

DRAWINGS AMENDMENTS

Applicant submits REPLACEMENT SHEET(s) 9 and 10 herewith. Applicant submits the amendments to the DRAWINGS render the Application allowable.

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CLAIMS AMENDMENTS

Claim 1. (currently amended) A system for opening and closing a lid of a compartment disposed underwater ~~over an opening of a compartment which houses in~~ a swimming pool ~~cover or similar mechanism used in a swimming pool environment, and even where a head of pressure may bear against that lid,~~ said system comprising:

- a) ~~a~~ remote power pack located at a position remote from the swimming pool ~~in which a lid may be used,~~ for supplying a source of hydraulic power;
- b) a hydraulic drive mechanism ~~initially operable source of~~ coupled to and driven by the hydraulic power supplied by said remote power pack; and
- c) a mechanical decoupled linkage extending between the hydraulic drive mechanism and the lid ~~enclosing of the~~ underwater compartment and allowing for automatic openable as well as manual openable and closeable movement thereof.

Claim 2. (currently amended) A modular lid system for an underwater ~~swimming pool cover or other underwater~~ enclosure, the modular lid system comprising:

- a) A rigid lid portion having an overall buoyancy such that the lid portion closes the enclosure underwater by force of gravity;
- ~~a) b)~~ A remote power pack for providing a source of hydraulic power to the modular lid, the remote power pack located at a position remote from the ~~swimming pool in which a lid may be~~ enclosure, the remote power pack including a hydraulic pump;
- ~~b) c)~~ A hydraulic drive mechanism actuated by the ~~source of remote power pack~~ hydraulic pump, the drive mechanism having a predetermined range of movement;
- ~~c) d)~~ A decoupled linkage mechanism extending between the hydraulic drive mechanism and the lid portion for causing limited opening movement thereof, said limited opening movement corresponding to the predetermined range of movement of the hydraulic drive mechanism, ~~wherein the decoupled~~

~~linkage mechanism disengages from the lid portion during closing movement of the linkage mechanism and allows for manual opening movement of the lid portion beyond the limited opening movement caused by the linkage mechanism for increased access to the underwater enclosure.~~

Claim 3. (currently amended) The modular lid system of Claim 2 in which the rigid lid portion consists of a plurality of modular lid sections coupled together ~~to form the rigid lid portion.~~

Claim 4. (original) A lid section for a modular lid for an underwater swimming pool cover or other underwater enclosure, the lid section comprising:

an inverted pan having an upper surface, an inner surface, 2 side edges, a leading edge and a pivoting edge;

a torsion structural member disposed adjacent the inner surface and adjacent the pivoting edge

a coupling mechanism located on at least one of the 2 side edges for coupling the lid section to one or more additional lid sections, whereby the coupled lid sections form a rigid, modular lid for allowing openable and closeable movement of the modular lid thereof.

Claim 5. (original) The lid section of Claim 4, further comprising:

a buoyancy tank disposed adjacent the inner surface and adjacent the leading edge.

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REMARKS

Remark 1:

Applicant has submitted an INFORMATION DISCLOSURE STATEMENT and INFORMATION DISCLOSURE STATEMENT BY APPLICANT (substitute for Form 1449PTO) herewith. Applicant submits the stated filings render the Application allowable.

Remark 2:

Applicant has submitted REPLACEMENT SHEET(s) 9 and 10 herewith. Applicant submits the amendments to the DRAWINGS render the Application allowable.

Remark 3:

Please has submitted a NEW ABSTRACT herewith. Applicant submits the NEW ABSTRACT render the Application allowable.

Remark 4:

Applicant submits that amendments to the CLAIMS render the Application allowable.

Remark 5:

Applicant hereby requests Examiner withdraw Conterno as prior art under 35 U.S.C. 102(a). Applicant observes that perhaps the Examiner has misapplied 35 USC § 102 citing U.S. Pat. No. 6,536,175 to Conterno as anticipating subject matter set forth in Applicant's original claims 5 and 5.

For anticipation under 35 U.S.C. 102, each and every limitation expressed in a claim must be found, either expressly or inherently, in a single prior art reference Celeritas Techs. Ltd. v. Rockwell Int'l

Corp., 150 F.3d 1354, 1361 (Fed. Cir. 1998) [See also IN RE CRISH, 04-1075 Disc. Section (Fed. Cir. Dec. 2004) Glaxo Inc. v. Novopharm Ltd., C.A.Fed. (N.C.) 1995, 52 F.3d 1043, 34 U.S.P.Q.2d 1565, rehearing denied, in banc suggestion declined, certiorari denied 116 S.Ct. 516.

Anticipation of invention occurs only when some single prior article, patent, or publication contains within its four corners every element of claim in question; patentability is not anticipated when its elements are distributed among several prior publications or devices. Paeco, Inc. v. Applied Moldings, Inc., C.A.3 (Pa.) 1977, 562 F.2d 870, 194 U.S.P.Q. 353.

Even though an Examiner is entitled to give claims presented their broadest reasonable interpretation [IN RE CRISH, *ibid*], an element/step positively recited in the claim(s) cannot disregarded.

Applicant respectfully points out that the panel section taught by Conterno fails to teach of an inverted pan structure with “pivoting edge”. The structure taught in Conterno is not even a lid. Conterno is directed to assembly of panels and jointing elements, rather than underwater lids for underwater compartments or enclosures. Therefore, Conterno fails to teach of every single element of the claimed invention, and therefore cannot serve as an anticipating reference under 35 U.S.C. 102(a).

Remark 6: (NO NEW MATTER)

Applicant(s) submits that the amendments presented herein present no new matter. All of the compositions claimed herein are taught in the Drawings, Specification, Claims and Abstract and other portions of the Application as originally filed.

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CONCLUSION

Applicant respectfully submits that for all the foregoing reasons, the claimed subject matter describes patentable invention. Furthermore, Applicant submits that the specification is adequate and that the claims are in a condition for allowance. No new matter has been entered.

Applicant hereby respectfully requests Examiner to enter these amendments, find them descriptive of useful, novel and non-obvious subject matter, and authorize the issuance of a utility patent for the truly meritorious, deserving invention disclosed and claimed herein.

Without further, Applicant does not intend to waive any claims, arguments or defenses that they may have in response to any official or informal communication, paper, office action, or otherwise, and they expressly reserve the right to assert any traverse, additional grounds establishing specificity and clarity, enablement, novelty, uniqueness, non-obviousness, or other patentability, etc.

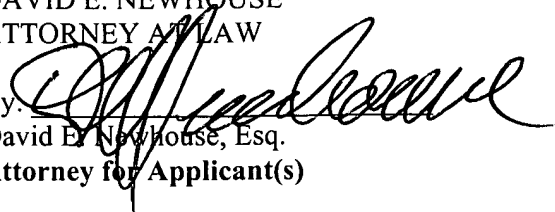
Further, nothing herein shall be construed as establishing indirectly the basis for any prosecution history, file wrapper estoppel, or similar in order to limit or bar any claim of infringement of the invention described herein, either directly or under applicable doctrine of equivalents.

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Respectfully submitted,

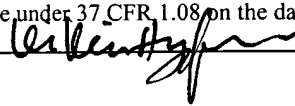
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Dated: September 7, 2005

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CERTIFICATE OF MAILING

I hereby certify that this paper and the documents attached hereto are being deposited in a postage prepaid, sealed envelope with the United States Postal Service using First Class Mail service under 37 CFR 1.08 on the date indicated and is addressed to "Commissioner for Patents, Virginia 22313-1450". Signed: 
Date Mailed: September 7, 2005

NEW ABSTRACT
(Marked-up version)

★ The present invention is a modular lid system for an underwater swimming pool cover or other
underwater enclosure, the enclosure. The modular lid comprising, a has a rigid lid portion having which
has an overall buoyancy such that the lid portion closes the enclosure underwater by force of gravity, a
gravity. The modular lid system also has a remote power pack for providing a source of hydraulic power
to the modular lid, the lid. The remote power pack is located at a position remote from the swimming pool
in which a lid may be, the pool. The remote power pack including includes a hydraulic pump, a pump and
a hydraulic drive mechanism is actuated by the source of remote power pack, the pack. The drive
mechanism having has a predetermined range of movement, and a movement. A decoupled linkage
mechanism extending extends between the hydraulic drive mechanism and the lid portion for causing
limited opening movement thereof, said thereof. The limited opening movement corresponding
corresponds to the predetermined range of movement of the hydraulic drive mechanism, wherein the
mechanism. Thus, the decoupled linkage mechanism disengages from the lid portion during closing
movement of the linkage mechanism and allows for manual opening movement of the lid portion beyond
the limited opening movement caused by the linkage mechanism for increased access to the underwater
enclosure.